



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Regular Meeting Agenda - Final-Amended City Council

Wednesday, November 6, 2019

6:00 PM

City Council Chambers

630 E. Hopkins

- I. Call To Order
- II. Roll Call
- III. Invocation
- IV. Pledges Of Allegiance - United States And Texas
- V. 30 Minute Citizen Comment Period

PRESENTATIONS

1. Receive a staff presentation regarding the Community Development Block Grant (CDBG) Mitigation Action Plan, and provide direction to Staff.

Attachments: [Mitigation Action Plan.pptx](#)
 [Mitigation Outreach Report Final.pdf](#)

CONSENT AGENDA

THE FOLLOWING ORDINANCES, RESOLUTIONS AND OTHER ITEMS MAY BE ACTED UPON BY ONE MOTION. NO SEPARATE DISCUSSION OR ACTION ON ANY OF THE ITEMS IS NECESSARY UNLESS DESIRED BY A COUNCIL MEMBER OR A CITIZEN, IN WHICH EVENT THE ITEM SHALL BE CONSIDERED IN ITS NORMAL SEQUENCE AFTER THE ITEMS NOT REQUIRING SEPARATE DISCUSSION HAVE BEEN ACTED UPON BY A SINGLE MOTION.

2. Consider approval, by motion, of the following meeting Minutes:
 - A. October 15, 2019 - Work Session Meeting Minutes
 - B. October 15, 2019 - Regular Meeting Minutes

Attachments: [10.15.19 Work Session Minutes](#)
 [10.15.19 Regular Meeting Minutes](#)

3. Consider approval of Ordinance 2019-33, on the second of two readings, annexing into the City approximately 92.787 acres of land out of the Barnette O. Kane Survey, Abstract No. 281, generally located in the 1900 block of Redwood Road between State Highway 123 and Old Bastrop Road; including procedural provisions; and providing an effective date.

Attachments: [Ordinance](#)
 [AN-18-03 Aerial](#)
 [AN-18-03 Annexation Service Agreement](#)
 [AN-18-03 Metes and Bounds](#)
 [AN-18-03 Redwood 1 - Presentation](#)
 [AN-18-03 SIGNED SERVICE AGREEMENT](#)

4. Consider approval of Ordinance 2019-34, on the second of two readings, annexing into the City approximately 102.434 acres of land out of the Barnette O. Kane Survey, Abstract No. 281, generally located at 2357 Redwood Road; including procedural provisions; and providing an effective date.

Attachments: [Ordinance](#)
 [AN-18-04 Aerial](#)
 [AN-18-04 Annexation Service Agreement](#)
 [AN-18-04 Metes and Bounds \(102.434 ac\)](#)
 [AN-18-04 Redwood 2 - Presentation](#)
 [AN-18-04 SIGNED SERVICE AGREEMENT](#)

5. Consider approval of Ordinance 2019-35, on the second of two readings, amending the Official Zoning Map of the City by rezoning approximately 8.534 acres of land out of the Barnette O. Kane Survey, Abstract No. 281, Hays County, Texas, located at the 1600 Block of Redwood Road from "FD" Future Development to "CD-4" Character District - 4, and including procedural provisions.

Attachments: [Ordinance](#)
 [ZC-18-18 Staff Report](#)
 [ZC-18-18 Maps](#)
 [ZC-18-18 Code Comparison](#)
 [ZC-18-18 Comp Plan Analysis Checklist](#)
 [ZC-18-18 Application Documents](#)
 [ZC-18-18 CC Presentation 1st Reading](#)

6. Consider approval of Ordinance 2019-36, on the second of two readings, amending the Official Zoning Map of the City by rezoning approximately 192.951 acres of land out of the Barnette O. Kane Survey, Abstract No. 281, Hays County, Texas, located at 2357 Redwood Road, from "FD" Future Development and "CD-4" Character District - 4, to "CD-3" Character District - 3, and including procedural provisions.

Attachments: [Ordinance](#)
 [ZC-18-17 Staff Report](#)
 [ZC-18-17 Maps](#)
 [ZC-18-17 Code Comparison](#)
 [ZC-18-17 Comp Plan Analysis Checklist](#)
 [ZC-18-17 Application Documents](#)
 [ZC-18-17 CC1 Presentation \(final\)](#)
 [09.24.2019 PZ Sarah Simpson Written Comment](#)
 [ZC-18-17 Neighborhood Meeting Sign-In Sheet \(from developer\)](#)

7. Consider approval of Ordinance 2019-37, on the second of three readings, granting to SiEnergy, LP, d/b/a SiEnergy, the right, privilege and franchise to construct, install, extend, remove, replace, abandon, operate and maintain its facilities within the public rights-of-way of the City of San Marcos, Texas for the transportation, delivery, sale and distribution of natural gas; containing other provisions relating to the foregoing subject; providing for severability; including procedural provisions; providing for approval on three readings of the ordinance; and providing an effective date.

Attachments: [Ordinance](#)

8. Consider approval of Ordinance 2019-38, on the second of two readings, creating a new Water and Wastewater Rate Class for Industrial Water and Wastewater customers inside and outside the City Limits with an average daily usage of over 200,000 gallons that receive water service from a meter 3" or larger; and including procedural provisions.

Attachments: [Ordinance - Industrial Water and Wastewater Rates.doc](#)
 [Industrial Water and Wastewater Rates.pdf](#)
 [W&WW Industrial Rate-Executed CUAB Recommendation with Attachment.pdf](#)

9. Consider approval of Resolution 2019-211R, approving the award of a construction contract to Jamail & Smith Construction, LP, through the Buyboard Cooperative Purchasing Contract, for the construction of a Distribution Transformer Storage Building in the amount of \$378,584.25; authorizing the City Manager, or his designee, to execute the contract and associated documents on behalf of the City; and declaring an effective date.

Attachments: [Resolution](#)
 [Proposal - San Marcos Transformer Storage Bldg 80 x 80 \(002\)](#)

10. Consider approval of Resolution 2019-212R, approving an agreement for the temporary closure of State Right of Way with the Texas Department of Transportation ("TxDOT") authorizing the City to close certain highway exit and entrance ramps along Interstate Highway I-35 to alleviate traffic congestion in connection with retail events, including Black Friday and Tax-Free Weekends, at the City's Outlet Malls; declaring that such activities serve a public purpose; authorizing the City Manager, or his designee, to execute such agreement for these events for both the upcoming year and subsequent years; and declaring an effective date.

Attachments: [Resolution](#)
 [TEA30A Closure Incorporated.pdf](#)

11. Consider approval of Resolution 2019-213R, approving the second Change in Service to the contract with Allan Plummer Associates, Inc. (Contract No. 218-394) related to the Sunset Acres Subdivision Improvements to add engineering design services for storm drain, streets and utilities improvement in the amount of \$875,777.00; authorizing the City Manager or his designee to execute the appropriate documents to implement the change in service; and declaring an effective date.

Attachments: [Resolution](#)
 [final CIS#2 scope and fee.pdf](#)
 [project limits.pdf](#)

12. Consider approval of Resolution 2019-214R, approving amendment number two to the Commercial Ground Lease of Airport Property located at 1837 Airport Drive with Coast Flight Training and Management, Inc. to extend the term of the lease for 18 months through June 30, 2021; authorizing the City Manager or his designee to execute the amendment; and declaring an effective date.

Attachments: [Resolution - Amendment No. 2 to Coast Flight Commercial Ground Lease.doc](#)
 [1837 Coast Ground Lease - Amend 2.docx](#)

13. Consider approval of Resolution 2019-215R, approving a Lease of Airport Property for Agricultural Use at the San Marcos Regional Airport through August 31, 2020; authorizing the City Manager or his designee to execute the lease; and declaring an effective date.

Attachments: [Resolution - Airport Agricultural Lease 2019.doc](#)
 [Airport Ag Lease Ohnheiser 974 Acres 2019.doc](#)
 [2016 Map.pdf](#)

14. Consider approval of Resolution 2019-216R, establishing new monthly lease rates at the San Marcos Regional Airport by increasing the T-Hangar rental rate to \$225, the T-Shelter rental rate to \$100, and the Storage Facilities rental rate to \$85 to be effective January 1, 2020; and declaring an effective date.

Attachments: [Resolution - Airport T Hangar Rate Increase 2019.docx](#)

15. Consider approval of Resolution 2019-217R, authorizing the sale of eighteen surplus police cars to the City of Oak Ridge, Texas; finding that such conveyance serves the public purpose of fiscal responsibility for both the City of San Marcos and the City of Oak Ridge; authorizing the City Manager to execute a contract and any and all documents as necessary to transfer title and convey the police cars to the City of Oak Ridge; and declaring an effective date.

Attachments: [Resolution - Police Cars to Oak Ridge.doc](#)
 [Used Equipment Sale Oakridge late 2019.docx](#)
 [fleet veh purchase 10-09.pdf](#)

16. Consider approval of Resolution 2019-218R, approving the terms and conditions of a combined Interlocal Agreement between the City of San Marcos and the City of Kyle, the City of Buda and Hays County regarding the management and operation of the San Marcos Regional Animal Shelter; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

Attachments: [Resolution - Interlocal Agreement - Regional Animal Shelter.docx](#)
[Animal Shelter Final..docx](#)
[Exhibit A.pdf](#)
[Animal Shelter FY19-FY20 FINANCIAL SUMMARY \(002\)](#)
[FY20 Funding Calculations for Regional Animal Shelter Partnership](#)

17. Consider approval of Resolution 2019-219R, approving a Memorandum of Understanding ("MOU") with the Capital Area Rural Transportation System ("CARTS") providing for the City to reimburse CARTS in the amount of \$1,581,318 for certain buses purchased by CARTS for CARTS Regional Interurban Bus Fleet when the City, as the direct recipient, receives the Federal Transportation Grant Funds intended for such bus purchases; authorizing the City Manager, or his designee, to execute the MOU; and declaring an effective date.

Attachments: [Resolution](#)
[CARTS - COSM MOU Capital Obligations.pdf](#)

18. Consider approval of Resolution 2019-220R, approving an amendment to the contract originally entered into with Nupark, Inc. which is now PassPort Labs, Inc., through a cooperative purchasing agreement with Region 14 Education Service Center as lead agency for the National Cooperative Purchasing Alliance to extend the contract for the provision of mobile license plate recognition software for a one-year period costing an amount not to exceed of \$54,371.13 bringing the total contract amount to \$273,508.63; authorizing the City Manager or his designee to execute the amendment on behalf of the City; and declaring an effective date.

Attachments: [Resolution - Mobile License Plate Recognition Software.docx](#)
[Invoice 98682](#)

19. Consider approval of Resolution 2019-221R, authorizing a Change of Service to the agreement with Starboard Consulting LLC to provide services related to the integration between Maximo 7.6.1, which tracks work and asset management activities across multiple City departments, and Tyler Technologies, the City's financial system, for use by the Water, Wastewater, and Electric Departments in the amount of \$71,590.00 bringing the total contract amount to \$257,196.00; authorizing the City Manager or his designee to execute the appropriate documents to implement the change in service; and declaring an effective date.

Attachments: [Resolution - Change in Service - Starboard Consulting.docx](#)
[Starboard Proposal](#)
[218-291 ACIS3 10-24-19 \\$71,590](#)

20. Consider approval, by motion, of Change Order #2 with T.F. Harper & Associates LP in the amount of \$67,505.94 for the purchase and installation of two covered bus stops on Hutchison Street to support the new stop locations with the Mobility Hub Improvements Project located at 214 E. Hutchison St.

Attachments: [Bus Stops CO #2.pdf](#)
 [Bus Stop Location.pdf](#)
 [Bus Stop Structure.pdf](#)

PUBLIC HEARINGS

21. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2019-39, disannexing from the City approximately 235 acres of land, also known as Windemere Ranch, generally located at 700 Lime Kiln Road near Sahalee Path; including procedural provisions; and providing an effective date; and consider Ordinance 2019-39, on the first of two readings.

Attachments: [Ordinance](#)
 [AN-19-02 Maps](#)
 [AN-19-02 Facility Photos](#)
 [AN-19-02 City Limits Comparison Chart](#)
 [AN-19-02 Petition for Disannexation submitted 08.06.19](#)
 [Windemere Ranch Ordinance 2007-59](#)
 [Windemere Ranch Ordinance 2009-30](#)
 [AN-19-02 Presentation Final](#)

22. Receive a Staff presentation and hold the first of two public hearings to receive comments for or against Ordinance 2019-40, reestablishing the juvenile curfew for minors previously established by Ordinance No. 2009-28 and subsequently extended by Ordinance 2012-16; and declaring an effective date; and consider approval of Ordinance 2019-40, on the first of two readings.

Attachments: [Juvenile Curfew Adoption - Novemebr 2019.docx](#)
 [Juvenile Memo to Council 2019.docx](#)

23. Receive a Staff presentation and hold a public hearing to receive comments for or against Ordinance 2019-41 amending Chapter 2 of the San Marcos Development Code to establish a demolition review process, including a minimum waiting period, for the issuance of permits to demolish certain historic-age buildings, and declare an effective date; and consider approval Ordinance 2019-41, on the first of two readings, and provide direction to Staff.

Attachments: [Demolition Review Ordinances from Other Texas Cities](#)
[Ord. 2019-19 Initial City Council Interim Ordinance](#)
[Ord. 2019-32 City Council Amended Interim Ordinance](#)
[HPC Recommended Ordinance](#)
[P&Z Recommended Ordinance](#)
[LDC-19-03 Comparison Chart](#)
[LDC-19-03 Presentation](#)

NON-CONSENT AGENDA

24. Consider approval of Resolution 2019-209R, approving amendments to the Affordable/Workforce Housing Policy regarding the criteria for approval of applications relating to the Low-Income Housing Tax Credit Program administered by the Texas Department of Housing and Community Affairs; and declaring an effective date.

Attachments: [Resolution - Affordable Housing Policy Amendment - October 15.doc](#)
[Policy Update - Redline](#)
[Memo - Policy Update Overview](#)
[10.15.19 CC Presentation final](#)

25. Consider approval of Resolution 2019-222R, approving the first amendment to the design-build agreement between the City and Flintco, LLC setting the final guaranteed maximum price for the construction of the new Fire Station No. 2 in the amount of \$5,367,405.00; authorizing the City Manager or his designee to execute the amendment on behalf of the City; and declaring an effective date.

Attachments: [Resolution - Guaranteed Maximum Price for Fire Station No. 2.doc](#)
[San Marcos Fire Station #2 - Final GMP](#)

26. Consider approval of Resolution 2019-223R, approving a purchase and sale agreement with Pursuant Ventures Development, LLC providing for the City to purchase approximately 30 acres of land in the vicinity of Centerpoint Road and IH-35 South to be improved with a Multi-Use Sportsplex Facility with eight fields for an estimated price of \$19,875,383.51 funded by bonded indebtedness intended to be paid From Hotel Occupancy Tax Collections and Lease Revenues; approving a lease of such property to SM Baseball Investments, LLC upon closing on the purchase of the property; authorizing the City Manager, or his designee, to execute each of the agreements; and declaring an effective date.

Attachments: [Resolution](#)
[Sportsplex Land Purchase and Sale Agreement](#)
[Lease Agreement](#)
[Previous Centerpoint Commons Council Memo - 08.01.18](#)

27. Consider approval of Resolution 2019-224R, approving a release of a Drainage Easement in the Kissing Tree Subdivision in connection with the dedication to the City of

an Alternate Permanent Drainage Easement; authorizing the City Manager, or his designee, to execute the release of easement on behalf of the City; and declaring an effective date.

Attachments: [Resolution](#)
 [Easement Release](#)
 [Drainage Easement](#)
 [Easement Location](#)
 [Project Location Map](#)

28. Consider approval of Resolution 2019-225R, approving a Chapter 380 Economic Development Incentive Agreement with Katerra Construction, LLC to locate an automated building component manufacturing and distribution facility within the Whisper Planned Development District (PDD) located near IH-35 and Yarrington Road, which the agreement provides incentives over ten years in the form of annual refunds of a portion of new property taxes generated from the facility; granting a variance from the PDD Standards to allow parking for the facility in the first layer; rescinding a prior Chapter 380 Economic Development Incentive Agreement with the company approved by Resolution No. 2018-184R; authorizing the City Manager to execute the agreement; and declaring an effective date.

Attachments: [Resolution](#)
 [New 380 Agreement for the Whisper Project Site](#)
 [Katerra 380 October 28 2018](#)
 [KATERRAanalysis Whisper](#)
 [Katerra Site Layout](#)

29. Consider the appointment of a City of San Marcos representative to serve on the Hays County Citizens Election Advisory Commission (CEAC), and provide direction to Staff.

Attachments: Resolution.docx
 CEAC Structure.docx

30. Receive a Staff presentation and consider modifying the conditions imposed by the City Council in order to clarify the Council's intent regarding the location of garages and requirements for front porches when it reversed, on appeal, the decision of the Planning and Zoning Commission to deny a request for Alternative Compliance as to the residential garage parking requirements in Section 7.1.4.1. of the Development Code for a proposed residential development located at 2357 Redwood Road, Hays County, Texas.

Attachments: [Memo to Council - Redwood Appeal Clarification](#)
 [AC-19-03 CC Presentation 11.6.19](#)

31. Receive a Staff update and consider, by motion, the initial authorization of text amendments to the San Marcos Land Development Code to address typographical and technical errors, Historic Preservation Commission Resolutions, and to implement changes related to the 2019 Legislative Session, and provide direction to Staff.

Attachments: [Cover Memo](#)
[Exhibit A-Recommendations Table](#)
[Exhibit B-Redlined Code](#)
[Exhibit C-Zoning District and Building Standards Pages, House Bill 2439](#)
[Exhibit D-Historic Preservation Commission Resolution](#)
[Exhibit E-House Bill 2439, House Bill 3167](#)

32. Consider approval, by motion, and hold discussion regarding the proposed 2020 City Council Meeting Schedule, and provide direction to Staff.

Attachments: [2020 Council Calendar](#)

33. Hold discussion regarding the possible amendment of Chapter 2, Article 3, Section 2.069 Absence from meetings in the San Marcos City Code related to absences by members in specific roles on various boards and commissions, and provide direction to Staff.

Attachments: [Sec. 2.069. Absence from meetings.](#)
[Ord 1996-060](#)
[Ord 1997-021](#)
[Ord 2002-021](#)
[Ord 2003-008](#)
[Ord 2009-002](#)
[Ord 2014-017 Amending Section 2.069 Absence from Meetings of the San Mar](#)
[Ord 2014-041 Amendment to Section 2.069 removing vacation as an excused :](#)

34. Hold discussion regarding Neighborhood Commission Recommendation Resolution No. 2019-006R recommending that City Council combine Sector 8 and Sector 1 into one sector, and provide direction to Staff.

Attachments: [Resolution No. 2019-006R Combine Sector 8 and Sector 1 into one sector.pdf](#)
[Current Neighborhood Commission Ordinance](#)

35. Hold discussion regarding the proposed Workforce Housing Task Force Strategic Housing Action Plan, and provide direction to Staff.

Attachments: [Housing Strategic Action Plan 190910](#)
[San-Marcos-Housing-Needs-Assessment](#)
[Housing Action Plan Presentation 10.15.19](#)
[Support Letters](#)
[Opposition Letters](#)
[Consolidated Comments List](#)
[All Exit Surveys](#)

EXECUTIVE SESSION (if necessary)

NOTE: The City Council may adjourn into Executive Session to consider any item listed on this agenda if a

matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The City Council may also publicly discuss any item listed on the agenda for Executive Session.

- 36.** Executive Session in accordance with the following Government Code Section(s):
- A. Section § 551.071 - Consultation with Attorney: to receive a staff briefing and deliberate regarding the creation of Hays County Municipal Utility District No. 8. and to receive a staff briefing and deliberate regarding Martindale ETJ Matters.
 - B. Section §551.087 - Economic Development: to receive a staff briefing and deliberate regarding the creation of Hays County Municipal Utility District No. 8.
 - C. § 551.074 - Personnel Matters: to receive a staff briefing and hold discussion regarding the City Clerk position.

DIRECTION / ACTION FOLLOWING EXECUTIVE SESSION

- 37.** Consider action, by motion, regarding the following Executive Session items held during the Work Session and/or Regular Meeting:
- A. Section § 551.071 - Consultation with Attorney: to receive a staff briefing and deliberate regarding the creation of Hays County Municipal Utility District No. 8. and to receive a staff briefing and deliberate regarding Martindale ETJ Matters.
 - B. Section §551.087 - Economic Development: to receive a staff briefing and deliberate regarding the creation of Hays County Municipal Utility District No. 8.
 - C. Section § 551.074 - Personnel Matters: to receive a staff briefing and hold discussion regarding the City Clerk position.

VI. Question and Answer Session with Press and Public.

This is an opportunity for the Press and Public to ask questions related to items on this agenda.

VII. Adjournment.

POSTED ON WEDNESDAY, OCTOBER 30, 2019 @ 5:00PM

JAMIE LEE CASE, CITY CLERK

VIII. ADDENDUM

The following item was added after the agenda was posted on October 30, 2019:

Item #29 - Consider the appointment of a member to serve on the Hays County Citizens Election Advisory Commission, and provide direction to Staff.

ADDENDUM POSTED ON FRIDAY, NOVEMBER 1, 2019 @ 4:45PM

JAMIE LEE CASE, CITY CLERK

Notice of Assistance at the Public Meetings

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 855-461-6674 or sent by e-mail to ADArequest@sanmarcostx.gov